

MINUTES

256th Meeting Contractors' Registration and Licensing Board March 09, 2011

(A) The meeting was called to order by the Vice-Chairman, Edgar Ladouceur, at 12:49 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Arthur Salisbury seconded by Mr. Steven Gianlorenzo.

(C) The minutes of the 255th meeting were approved on a motion by David Caldwell and seconded by Mr. Mr. Arthur Salisbury.

(D) Court Case Update:

January – March 2011 - Court Ordered Restitution/Fines:

Contactors	Claim/File	Fines	Restitution	Complainant
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Suarez	6653	500	28,000	Teixeira
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Cambio	6945	500	5,000	Mello
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MacDonald	6900	500	850	Lermontov
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MacDonald	5858,5994,4913	500	--	NRB
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Wilcox	6963	250	4,225	Pingitore
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Wilcox	6881	250	6,500	Wilkinson
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Wilcox 3348 (2,3) 250 -- NRB

Wilcox 6991 250 1525 Crouch

Patnode 4698(2) 250 -- NRB

Lindell 7267 -- 1225 Hoy

Senra 7290 500 3825 Brown

O'Donnell 5737 -- 1025 Procaccini

Smith 6840 -- 2,325 Almeida

Smith 6886 -- 425 Lonardo

Totals: Fines \$3,750 Restitution \$34,925

TOTAL: \$38,675.00

January – March 2011 - Funds Received Via AG's Office:

Contactor Claim/File Fines Restitution Complainant

Mercurio 3467 -- 200 Evans

Pelland 7185 -- 525 Lavalley

Marr 4480 -- 80 Lamphere

Gomes 7062 100 1000 Saccoccia

Totals: Fines \$100 Restitution \$1,805

TOTAL: \$1,905.00

Warrants Issued:

Gary Morrell, Reg. 19951

(E) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Claim #7432, Hageman vs. Mistofsky, Registration #26504, exceptions were filed by the Respondent. Both parties were present at the appeal and the Respondent presented exceptions. Both parties entered into discussion with the Board members and questions were asked by members and a view of the documents submitted at the hearing was conducted. After review and more discussion, a motion was made by J. L. Brillion and seconded by W. Nash to modify the decision of the hearing officer to include violations regarding the right of rescission clause, insurance, mechanics lien, registration number on contract, building code violations, improper work and breach of contract. The fines assessed by the Board were increased to \$17,500.00 for all the violations; motion carried unanimously.

2.) 1:00 PM, Claim #7439, Rivers vs. Smith, Registration #26258, exceptions filed by

the Respondent. This matter was appealed to the Board by the RESPONDENT, and

it was heard on Wednesday March 9, 2011. Both parties were in attendance and

exceptions filed were reviewed by the Board as well as the

evidence presented at the

original hearing. Parties were allowed to present their case.

After listening to the

parties and reviewing the file, the Board on a motion by J. L.

Brillion and second by

William Nash, upheld the decision rendered by the hearing officer. The motion

passed unanimously. Therefore; based on the evidence & testimony presented at the

administrative hearing the RESPONDENT, Kevin Smith, Smitty's Painting & Power

Wash, registration #26258, is ORDERED to pay the CLAIMANT, Norman Rivers

Jr., the amount of \$8,840.00 which includes the claim filing fee pursuant to Rhode

Island General Law 5-65-12(a). Payment is due in the form of a certified check or

money order within 30 days of the receipt date of this ORDER. Furthermore, fines

in the amount of \$12,500.00 are assessed against the RESPONDENT for violating

RIGL's 5-65-3(j): Non-registered sub- contractors hired, 5-65-10(a) (12): Negligent &

improper work & 5-65-18, 5-65-22, 5-65-3(p): contractual requirements. The

RESPONDENTS registration #26258 is SUSPENDED until such

time as this

ORDER is fulfilled.

EXPUNGEMENTS:

1.) 1:20 PM, Registration #18690, Jennefer's Designs, Jennefer Oughettree,

violation #5114 #1 & #2. The contractor had requested that this matter be

postponed from last month. The Board reviewed the request to expunge the

record and a motion was made by J.L.Brillion and second by David Caldwell to

expunge the record. Motion carried five to three with Art Salisbury, William

Nash and Ed Ladoucuer voting in opposition of the motion.

2.) 1:45 PM, Registration #21331, Thomas Lopatosky Jr., LOPCO Contracting, violation #3113 Advertising. Motion made by Steve Gianlorenzo, and seconded by Ed Ladouceur to remove the record of the advertising violation. Motion was passed unanimously.

3.) 1:50 PM, Registration #18019, Daniel Borsutzky, violation #6693, Insurance.

This matter was reviewed by the Board but continued until next month for more information as to the number of days contractor was not insured, on a motion by Edgar Ladouceur and second by Steve Gianlorenzo.

4.) 1:55 PM, Registration #29942, Shane Pociask, violation #5524, Insurance. The contractor failed to show so the motion was passed on by the Board.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 03/09/2011

Registrations:

Number of Registered Contractors	11486		
Number of Cards Surrendered	5376	Number of Cards	
Expired/Lapsed	15740	Number of Cards Invalidated	1052
Number of Cards Suspended	481		
Number of Cards Revoked	91		

Registration Actions	02/09/2011 –
03/09/2011	

Number of New Registered Contractors	75
Number of Renewed Contractors	11411

Number of Cards Surrendered **29**

Registrations Invalidated 3 Registrations Suspended 0

Registrations Revoked 1

Claims:

Administrative Appeals 5

Board Appeals 5

Address Trace 109

Awaiting Further Action 31

Court

593

Disposed	6090
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Final Orders 44

Hearings 46

Out of State Services	12 Proposed Orders	101
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Under Investigation 111

Total Claims Filed with the Board **7147**

Number of New Claims Processed **3**

02/09/2011-03/09/2011

Violations:

Action Against Registration	21	
Advertising	3	
Non-Registered Subcontractors		16
Cancelled Insurance		1372
Notice of Hearing	4	
Non-Registered Contractors		818
TOTAL RECORDS	2234	

Number of New Violations 46
02/09/2011-03/09/2011

Lapsed Registrations/Never Re-Newed:

January	2010
97	
February	2010
116	
March	2010
127	
April	2010
143	
May	2010
142	
June	2010
155	

July	2010
132	
August	2010
129	
September	2010
107	
October	2010
114	
November	2010
68	
December	2010
73	
January	2011
79	
February	2011
110	

Month	# Tickets Issued
Fines	
January	0
\$00.00	
February	3
\$1,750.00	
March	3

\$1,000.00	
April	1
\$ 250.00	
May	4
\$1,350.00	
June	10
\$3,400.00	
July	7
\$2,700.00	
August	6
\$1,700.00	
September	3
\$ 600.00	
October	1
\$ 100.00	
November	2
\$1,050.00	
December	0
\$00.00	
January	0
\$00.00	
February	1
\$250.00	

Commercial Roofers: 03/09/2011

Number registered	131
Number surrendered	15
Number invalidated	52
Number suspended	1
Number revoked	0
Pending approval	0

Registration Actions;

02/09/2011-03/09/2011

Number of New Registered Contractors	1
Number of Renewed Roofer Contractors	130
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee,

report of committees and progress. No meetings on matter and no further progress. New measures will be implemented whereby the Executive Director and the Boards legal counsel will try and meet weekly to get the rules and regulations developed for discussion with the sub-committee.

(H) New Business:

(1.) Budget: Restricted receipt account was utilized to purchase new equipment; and income levels are less than anticipated due to the economic climate.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board has been proceeding and making progress. Weekly meetings have been held and a training session conducted. Striving to have system in operation by July 2011.

(3.) Retention Schedule; Legal counsel discussed with the Board and matter will be given more consideration in the near future. Matter was tabled again.

(4.) Appointments; No other members have been re-appointed at this time.

(5.) Educational Requirements: RIBA has a new computer system which may be able to tie into our new CAVU system with educational credits when courses are approved and regulations established. William Nash, Felix

Carlone & the Executive Director will be on a committee with RIBA to discuss education requirements.

(6.) Expungement Criteria: Board had a brief discussion and would like to review the policy to try to develop better practices.

(7.) Hearing Officers Position: Being processed, was signed by the director of Administration and awaiting posting.

(8.) Home Show: RIBA invited the Board to participate in the Home Show this year. The Board has not attended in the last two years because of

Administration. A motion was made by Ed Ladouceur and seconded by

Steve Gianlorenzo to get permission to attend to better educate consumers and provide better public relations. Motion carried unanimously.

(9.) Photo: Board members were asked for a brief list of credentials and picture to put on the web.

(10.) Business Cards: David Caldwell requested business cards for the Board members. The Executive Director will look into this matter.

(11.) Board Chair and Vice Chair would like to arrange for

a meeting with the

Director of Administration in the near future.

(I) Public Comment: Felix Carlone the Boards Chairman was operated on and is on the road to recovery. The Board wishes him well.

(J) Announcements: The next Board meeting is scheduled for Wednesday April 13, 2011 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill, Providence, Rhode Island.

(K) Adjournment: A motion was made by Mr. J.L. Brillion and seconded by Mr. Steve Gianlorenzo to adjourn at 3:20 PM.

Members Present: A. Salisbury, W. Nash, E. Ladouceur, Martin Ezeama, William Geddes, S.Gianlorenzo, JL Brillon, and D. Caldwell.

**Members Absent: E. Anderson, who resigned from the Board,
Tom Furey**

**Paul Brunetti, Felix Carlone, R.Cardozo.
R.Caniglia, & S.Carlino**

**Others Present: George Whalen (Executive Director), Christy
Hetherington (Attorney Generals Office, legal counsel), stenographer,
staff and parties for appeals and motions.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board